

EXECUTIVE SUMMARY OF THE MASSACHUSETTS SMOKE-FREE WORKPLACE LAW

(M.G.L. Chapter 270, Section 22)

Background

Since July 5, 2004, all enclosed workplaces with one or more employees must be smoke-free. Designated smoking areas or smoking rooms are not permitted. Limited exceptions are noted below. The full text of the law, fact sheets, and no smoking signs are available at www.mass.gov/dph/mtcp

Key provisions include:

- Mandates that all enclosed workplaces with one or more employee, or that are open to the public be smoke-free. Further any company vehicle that is shared between employees or is used to transport employees or the public must be smoke-free. All municipal vehicles must be smoke-free.
- Smoke may not migrate back in to the enclosed workplace.
- Some exemptions exist.
 - 1) Private residences, except when the residence is being used to operate a group childcare center, school age day care center, school age day or overnight camp, a health care related office or a facility licensed by the office of child care services;
 - 2) Membership associations (Private Clubs) defined as non-profit voluntary groups, organized under M.G.L. Chapter 180, while not open to either the public or non-members who are not invited guests;
 - 3) Guest rooms in hotels, motels, or similar accommodations that have been designated as “smoking” rooms;
 - 4) Retail tobacco stores that prohibit entry to anyone under the age of 18;
 - 5) “Smoking” or “Cigar” bars that derive a majority of their revenue from tobacco sales and are granted permission to allow smoking from the Department of Revenue;
 - 6) Religious ceremonies where smoking is part of the ritual;
 - 7) Nursing homes and acute care substance abuse treatment centers under the jurisdiction of the commonwealth that have received approval from the local board of health may have a designated smoking area for permanent residents only; and
 - 8) Tobacco laboratories / tobacco testing facilities that conduct medical or scientific research on tobacco smoke.
- Signage is required to indicate where smoking is not permitted or for those areas exempt from the law. Signs must be posted in a manner that is visible to all employees, customers or visitors while in the workplace. Additional signs may be posted in public areas.
- Smoking in a place where it is prohibited may result in a \$100 civil fine to the smoker. Employers or business owners may receive fines ranging from \$100 to \$300 for permitting smoking. Local boards of health, municipal governments, the Alcoholic Beverages Control Commission and the Department of Public Health may enforce this law.
- Cities and towns may have local laws that are stricter than this law. Restrictions include banning smoking in private clubs, cigar bars, tobacconists, nursing homes, and outdoor areas.

On August 26, 2005 the Department of Public Health’s *Regulations Implementing Chapter 270, s.22 (105 CMR 661.000)* went into effect. These regulations provide additional definitions for membership associations, and outdoor spaces. A copy of the regulation and a summary are available at the DPH website www.mass.gov/dph/mtcp. All fact sheets on the DPH website incorporate the state law, MGL Chapter 270, Section 22 and the regulations (*105 CMR 661.000*).

For additional information contact the Massachusetts Department of Public Health 1-800-992-1895
TDD/TTY 617-624-5992 | www.mass.gov/dph/mtcp